



File ✓  
Office of Water Resources  
1201 Greenbrier Street  
Charleston, WV 25311-1088  
Telephone 304-558-4086 or 558-8855  
Fax 304-558-5903

## West Virginia Division of Environmental Protection

Cecil H. Underwood  
Governor

Michael P. Miano  
Director

April 16, 1999

C.E. Peters  
Safety, Health & Environmental Engineer  
Inco Alloys International Incorporated  
3200 Riverside Drive  
Huntington, West Virginia 25705-1771

RE: WV NPDES Permit No. WV0114618  
Tailings Impoundment

Dear Mr. Peters:

Enclosed please find WV NPDES Water Pollution Control Permit Number WV0114618. We submit the following in response to your comments of February 25, 1999:

The Agency does not concur with your assertions. The fluctuating results indicate additional stormwater management may be necessary. The final permit includes a requirement for the development and submission of a Storm Water Pollution Prevention Plan (SPPP). Also, the final permit includes storm water language that lists benchmark values for COD and BOD<sub>5</sub>. The language also states that monitoring may be discontinued after four consecutive samples yield results below the benchmark values. Please note addition of Permit Conditions C.10, C.11, and C.12.

Currently, Pat's Branch is listed on the 303(d) list which necessitates Water Quality Based Effluent Limitations (WQBELs) be imposed. Also higher "7 Q 10" flow will have no impact on the established effluent limitations at this time. INCO can contact and submit information to OWR's Coordination and Development Section in support of removing Pat's Branch from the 303(d) list. Once this is done, INCO may request of this office a modification to review this matter, including "7 Q 10" data.

A review of the Existing Ground Water Protection Standard (GWPS) that was proposed for nickel in Monitoring Well Number MW-1A has been reviewed. The standard that was proposed in the draft permit was in error. The Existing Groundwater Protection Standard should have been listed as 92 ug/l. Please note the change made on page 2 of your Permit.

The Existing Groundwater Protection Standard that was proposed for chromium in well number MW-3A has also been reviewed. The agency does not concur with your proposal that the GWPS should be 80 ug/l which is 3rd standard deviation from the mean. Be advised that GWPS are not calculated based solely on it being the 3rd standard deviation. GWPS are calculated

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based on more stringent statistical criteria which has been established by the EPA. Therefore no change has been made in the permit for the GWPS for Chromium.

As to your comment concerning annual slug testing of the monitoring wells to determine ground water flow rate. The Solid Waste Management Rule, Title 33, Series 1, does not provide waivers or modifications for the requirement that the groundwater flow rate be determined each year. However the regulations do not require any certain method for determining the groundwater flow rate. Therefore the Office of Water Resources suggest that you may use another method as long as it can be shown as an acceptable method to most groundwater professionals.

All facilities permitted to discharge pollutants to the waters of the State under Chapter 22, Article 11 of the West Virginia Code are required to test their effluent in order to verify permit compliance. This testing is the responsibility of the permittee and these test results are to be submitted on the Discharge Monitoring Reports (DMRs) which are attached to the back of this permit. A (DMR) is to be completed and received by this office each quarter no later than 20 days following the end of the reporting period. The address to which DMRs are to be sent is noted in Section C.6, Attention: Engineering Branch. It is suggested that several copies of the enclosed DMR forms be made for your future use, as this office does not supply permittees with DMR forms. Please also note the attachment to this permit which describes the annual permit fee requirement.

Please be advised that the Division of Environmental Protection, including this Office, has adopted a more efficient and effective approach to addressing water quality management in the state. This approach is called Watershed Management. If you have any questions regarding watershed, or would like additional information, please contact us at the number listed below.

Please, also, note the attachment to this Permit which describes the annual permit fee requirement.

Further, our records indicate that you received your last annual permit fee invoice in September 1998, the anniversary date of your previous permit. Enclosed please find a prorated annual permit fee invoice, which covers the period from September, 1998 to the issuance date of this Permit. Your new annual permit fee billing cycle begins on the issuance date of this Permit, and you will not receive your next invoice until the anniversary of this Permit.

All fees are now due, and may be included in one (1) check, or money order, made payable to the WV Division of Environmental Protection. Two (2) copies of the invoice are enclosed. Please return one (1) copy with your remittance to ensure immediate, proper credit to your permit number. If you have any invoice related questions, you may contact Mr. Chris Reger at 304-558-3888, or by TDD at 304-558-2751.

Finally note that copies of all future correspondence regarding the permit including copies of DMRs must be forwarded to the Field Inspector and Field Supervisor at the following address:

C. E. Peters  
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Division of Environmental Protection  
Office of Water Resources  
General Delivery, Putnam Village #18  
Teays, WV 25569

If you have any questions regarding this Permit, please contact Dave Chaney of this office at 304-256-6850 or by TDD at 304-558-2751.

Very truly yours,

OFFICE OF WATER RESOURCES



Barbara S. Taylor  
Chief

BST:bb

Enclosures

cc: Chris Reger, w/invoice  
Jessica Welsh

WV BUREAU OF ENVIRONMENT  
WV DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF WATER RESOURCES

INVOICE

WATER POLLUTION CONTROL PERMIT  
#IWL-6325-91

PERMIT ISSUANCE DATE: September 30, 1991

FACILITY: Inco Alloys International, Inc.

BILLED TO: Inco Alloys International, Incorporated  
Post Office Box 1958  
Huntington, West Virginia 25720

DATE	DESCRIPTION	TOTAL PRICE
04-16-99	Annual Permit Fee	\$ 1,458.00
	Groundwater Protection Fee	\$ 175.00
	Sewage Sludge Management Program Fee (For Land Application)	\$ 0

INVOICE TOTAL \$ 1,633.00

MAKE CHECK PAYABLE TO: WV DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF WATER RESOURCES  
1201 GREENBRIER ST  
CHARLESTON WV 25311-1088  
ATTN: Accounting Office

Please include one (1) copy of invoice with payment to insure prompt credit.

If you are a WV governmental agency paying by INTERGOVERNMENTAL TRANSFER (IGT),  
telephone Chris Reger, (304) 558-3888 or TTY (304) 558-2751 for accounting information.



STATE OF WEST VIRGINIA  
DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF WATER RESOURCES  
1201 GREENBRIER STREET  
CHARLESTON, WV 25311

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**WATER POLLUTION CONTROL PERMIT**

**Permit No.:** WV0114618

**Issue Date:** April 16, 1999

**Subject:** Industrial Waste

**Effective Date:** May 16, 1999

**Expiration Date:** April 15, 2004

**Supersedes:** IWL-6325-91, Issued  
9/30/91

WVG610403, Issued  
4/14/95

<b>Location:</b>	Huntington	Cabell	Guyandotte	
	(City)	(County)	(Drainage Basin)	
<b>Outlets</b>	001	Lat. 38° 25' 04"	002	Lat. 38° 25' 08"
<b>sites:</b>		Long. 82° 23' 16"		Long. 82° 23' 20"

**To whom it may concern:**

**This is to certify that** Inco Alloys International, Incorporated  
Post Office Box 1958  
Huntington, West Virginia 25720

**is hereby granted an NPDES Water Pollution Control Permit to:** 1) Continue to operate a metals reclaim tailings earthen impoundment and temporary storage area for the treatment and storage of industrial waste in the drainage basin of Pats Branch, a tributary of the Guyandotte River, a tributary of the Ohio River. 2) Discharge untreated storm water runoff into the waters of the Pats Branch, a tributary of the Guyandotte River, a tributary of the Ohio River, at mile point 305.

**This permit is subject to the following terms and conditions:**

The information submitted on and with Permit Application No. WV0114618 dated the 29th day of July, 1996 and Permit Application Number I-1253-IMP dated the 30th day of April, 1979 and additional information submitted with letters dated the 28th day of February, the 16th day of April, the 13th day of June, the 18th day of November, 1985, and the 9th day of July, 1992 are all hereby made terms and conditions of this Permit with like effect as if all such permit application information were set forth herein and with other conditions set forth in Section A, B, and in or as amended in C and Appendix A.

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

(Continued on Page 2)

# **A.1 Monitoring Well Requirements**

During the period beginning May 16, 1999 and lasting through midnight April 15, 2004 the permittee is required to submit monitoring data from Monitoring Well Number(s) MW 1-A

The designated wells shall be monitored by the permittee as specified below and on the included Quarterly Monitoring Well Report Forms.

PARAMETERS	GROUNDWATER* STANDARD	UNITS	PARAMETERS	GROUNDWATER* STANDARD	UNITS
Alkalinity		mg/l	Nickel	42**	ug/l
Calcium		mg/l	pH		S.U.
Chemical Oxygen Demand		mg/l	Specific Conductance		umhos
Chromium, Total	92**	ug/l	Temperature		°F
Copper		ug/l	Total Dissolved Solids		mg/l
Fluoride	0.31**	mg/l	Total Suspended Solids		mg/l
Iron		mg/l			

\* See condition C.2

\*\* Groundwater standards are modified to reflect existing groundwater quality.

All metals, unless otherwise specified, shall be analyzed as dissolved metals.

## A.2 Monitoring Well Requirements

During the period beginning May 16, 1999 and lasting through midnight April 15, 2004 the permittee is required to submit monitoring data from Monitoring Well Number(s) MW 2-A

The designated wells shall be monitored by the permittee as specified below and on the included Quarterly Monitoring Well Report Forms.

PARAMETERS	GROUNDWATER* STANDARD	UNITS	PARAMETERS	GROUNDWATER* STANDARD	UNITS
Alkalinity		mg/l	Nickel	100	ug/l
Calcium		mg/l	pH		S.U.
Chemical Oxygen Demand		mg/l	Specific Conductance		umhos
Chromium, Total	100	ug/l	Temperature		°F
Copper		ug/l	Total Dissolved Solids		mg/l
Fluoride	0.23**	mg/l	Total Suspended Solids		mg/l
Iron		mg/l			

\* See condition C.2

All metals, unless otherwise specified, shall be analyzed as dissolved metals.

### A.3 Monitoring Well Requirements

During the period beginning May 16, 1999 and lasting through midnight April 15, 2004 the permittee is required to submit monitoring data from Monitoring Well Number(s) MW 3-A

The designated wells shall be monitored by the permittee as specified below and on the included Quarterly Monitoring Well Report Forms.

PARAMETERS	GROUNDWATER* STANDARD	UNITS	PARAMETERS	GROUNDWATER* STANDARD	UNITS
Alkalinity		mg/l	Nickel	100	ug/l
Calcium		mg/l	pH		S.U.
Chemical Oxygen Demand		mg/l	Specific Conductance		umhos
Chromium, Total	54**	ug/l	Temperature		°F
Copper		ug/l	Total Dissolved Solids		mg/l
Fluoride	0.34**	mg/l	Total Suspended Solids		mg/l
Iron		mg/l			

\* See condition C.2

\*\* Groundwater standards are modified to reflect existing groundwater quality.

All metals, unless otherwise specified, shall be analyzed as dissolved metals.

#### A.4 Monitoring Well Requirements

During the period beginning May 16, 1999 and lasting through midnight April 15, 2004 the permittee is required to submit monitoring data from Monitoring Well Number(s) MW 4-A.

The designated wells shall be monitored by the permittee as specified below and on the included Quarterly Monitoring Well Report Forms.

PARAMETERS	GROUNDWATER* STANDARD	UNITS	PARAMETERS	GROUNDWATER* STANDARD	UNITS
Alkalinity		mg/l	Nickel	100	ug/l
Calcium		mg/l	pH		S.U.
Chemical Oxygen Demand		mg/l	Specific Conductance		umhos
Chromium, Total	100	ug/l	Temperature		°F
Copper		ug/l	Total Dissolved Solids		mg/l
Fluoride	2.36**	mg/l	Total Suspended Solids		mg/l
Iron		mg/l			

\* See condition C.2

All metals, unless otherwise specified, shall be analyzed as dissolved metals.

#### A.5. Discharge Limitations and Monitoring Requirements

During the period beginning May 16, 1999 and lasting through midnight April 15, 2004 the permittee is authorized to discharge from outlet number(s) 001 (manhole located near the center of the tailings storage area) and 002 (a drainage ditch that collects run off from the tailings impoundment area).

Such discharge shall be limited to and monitored by the permittee as specified below:

Monitoring Requirements <u>Effluent Characteristic</u>	Discharge Limitations (Quantity) lbs/day		Other units (Specify)		Measurement Frequency	Sample Type
	<u>Avg. Monthly</u>	<u>Max. Daily</u>	<u>Avg. Monthly</u>	<u>Max. Daily</u>		
Flow	N/A	N/A	N/A	monitor	MGD	estimated
T. Ammonia	N/A	N/A	N/A	monitor	mg/l	grab
Biological Oxygen Demand (5 day)	N/A	N/A	N/A	monitor	mg/l	grab
Chemical Oxygen Demand	N/A	N/A	N/A	monitor	mg/l	grab
Hardness	N/A	N/A	N/A	monitor	mg/l	grab
Hexavalent Chromium	N/A	N/A	N/A	monitor	ug/l	grab
Temperature	N/A	N/A	N/A	monitor	°F	grab
Total Copper	N/A	N/A	23	46	ug/l	grab
Total Fluoride	N/A	N/A	1.4	2.8	mg/l	grab
Total Nickel	N/A	N/A	N/A	monitor	ug/l	grab
Total Suspended solids	N/A	N/A	N/A	monitor	mg/l	grab

The pH shall not be less than N/A standard units and not more than N/A standard units and shall be monitored semi-annual upon occurance utilizing grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following Location(s): 001. a manhole located near the center of the tailings storage area. and 002 drainage ditch that collects run off from the tailings impoundment area.

This discharge shall not cause violation of Title 46, Series 1, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

\* Each sample shall sampled individually. \*\* See condition C.9.

**B. SCHEDULE OF COMPLIANCE**

1. The permittee shall achieve compliance with the provisions for waste treatment and the monitoring requirements specified in this permit in accordance with the following schedule:
  - a. Comply with Sections A.1, A.2, A.3, A.4, and A.5, upon the effective date of the permit.
  
2. Reports of compliance or non-compliance with, and progress reports on interim and final requirements contained in the above compliance schedule, shall be postmarked no later than 14 days following each schedule date. N/A

## C. OTHER REQUIREMENTS

### C.1 Monitoring Well Reporting

- a. Permittee shall submit each quarter to the addresses indicated in Appendix A.III.2.b. in accordance with the enclosed format, a Quarterly Monitoring Well Report (QMWR) indicating in terms of concentration the values of the constituents listed. The reports shall be due on or before the 20th day of January, April, July, and October.
- b. The type of sample shall be grab unless otherwise specified.
- c. Water levels shall be obtained prior to pumping or sampling using the wetted tape method or an electronic detector.
- d. Stagnant water shall be removed from the well bore prior to sampling so that a representative sample may be obtained. Stagnant water shall be removed at a rate that is no greater than the recovery rate of the well. The water shall be removed until monitored parameters for water temperature, pH, specific conductance, redox potential, and dissolved oxygen stabilize. This is determined by relatively constant readings which are within 10 percent over two consecutive measurements. In cases where this method is impractical due to monitoring well design or hydrogeologic circumstances, the permittee may submit for approval an alternative sampling procedure. Purging efficiency parameter results shall not be submitted but are to be retained as stated in Appendix A III.6
- e. The permittee shall determine the groundwater flow rate and direction in the uppermost significant aquifer at least annually.
- f. The permittee shall establish background groundwater quality for each of the monitoring parameters or constituents required in condition A.1 through A.4 of this permit. The minimum number of samples used to establish background groundwater quality must be consistent with the appropriate statistical procedures as specified in condition C.2.h. of this permit.
- g. The permittee shall determine whether there is a statistically significant increase over background values for each parameter or constituent required in condition A.1 through A.4 of this permit. Statistical analysis shall commence with the establishment of six sampling events for the parameters required and be consistent with those procedures specified in condition C.1.h. of this permit. Thereafter the permittee shall make these statistical determinations each time groundwater quality is assessed. Said statistical determination shall be submitted concurrently with Quarterly Monitoring Well Reports.
  - (1) In determining whether a statistically significant increase has occurred, the permittee shall compare the groundwater quality at each monitoring well required to be monitored by the permit for each parameter or constituent to the background value for that parameter or constituent, according to the statistical procedures.
  - (2) The permittee shall determine whether there has been a statistically significant increase at each monitoring well immediately after completion of sampling analysis.



- h. The permittee must employ one of the following statistical procedures in combination with the appropriate sampling requirements to determine a statistically significant increase:
  - (1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The procedure must include estimation and testing of the contrasts between each down gradient well's mean and background mean level for each constituent;
  - (2) An analysis of variance based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The procedure must include estimation and testing of the contrasts between each down gradient well's mean and the background mean level for each constituent;
  - (3) Tolerance or prediction interval procedure in which a tolerance interval for each constituent is established from the distribution of the background data, and the level of each constituent in each down gradient well is compared to the upper tolerance or prediction limit; or
  - (4) A control chart approach that gives control limits for each constituent.
- I. The Chief may establish an alternative sampling procedure and statistical test for any of the constituents listed in the permit, as required to protect human health and the environment.
- j. Unless otherwise directed by the Chief, if the permittee determines that there is a statistically significant increase over background for any parameter required to be monitored by conditions A.1 through A.4 at any monitoring well, he must:
  - (1) Notify the Chief within fourteen (14) days of this finding. The notification must indicate which permit condition A.1 through A.4 monitoring parameters have shown statistically significant increases over background levels;
  - (2) Within a thirty (30) day period, repeat the sampling of the groundwater in all monitoring wells and determine the concentration of all constituents designated under conditions A.1 through A.4 of this permit that are present in the groundwater; and
  - (3) If the repeat sampling indicates that no statistically significant increase over background levels has occurred, continue monitoring as required by the permit.
  - (4) If the repeat sampling confirms that a statistically significant increase over background levels has occurred, the permittee shall notify the Chief of such findings in writing within fourteen (14) days. Upon review, the Chief shall determine whether any corrective action or others measures should be required.

C.2 The permittee shall not cause groundwater concentrations to exceed the standards of purity and quality referenced in Section A.1 through A.4. Should a groundwater quality standard or and existing water quality standard be exceeded, the permittee shall provide the following:

Within fourteen (14) days of the permittee finding that a groundwater standard has been exceeded, he or she must notify the Chief indicating which standards have been exceeded.

Within a thirty (30) day period of said finding, repeat the sampling of the groundwater in all the appropriate monitoring wells as approved by the Chief.

If the repeat sampling indicates that a groundwater standard has not been exceeded then continue sampling as required by the permit.

If the repeat sampling confirms an exceedance of a groundwater standard, then the permittee must notify the Chief within fourteen (14) days of such findings and provide a plan for an additional resampling if necessary and/or a plan to comply with the State's groundwater regulations

- C.3 Only those waste constituents defined in Permit Application I-1253-IMP shall be disposed in the impoundment and on the temporary storage area. Within the boundaries of the storage area the permittee may also temporarily store wastewater treatment plant sludge from its Huntington facility and debris from plant operations, including brick, scrap metal, wood, paper, cloth, plastic, concrete, dirt, and gravel on a temporary basis while awaiting transportation for disposal, reuse or recycling. Should the permittee wish to store any other waste materials in this storage area not herein specified it shall apply forthwith for a Permit modification prior to initiation of such storage, which modification request shall include a waste characterization analysis. The waste water treatment plant sludge to be stored in this area shall contain at least 20% solids by Weight.
- C.4 The solid waste removed from this site, when disposed of, shall be so disposed of at a solid waste management facility authorized and permitted to accept such waste. If the waste is to be disposed of at a facility outside the State of West Virginia, the permittee must give written notice to the Chief of the quantity and place of disposition at that time. Any such wastes which are used, reused, or recycled in lieu of disposal shall be managed in accordance with all state and local regulations in which such activity occurs.
- C.5 A freeboard of twelve (12) inches shall be maintained below the base of the bench of the impoundment.
- C.6 Employees shall be properly trained in dredging operations and in proper maintenance of the impoundment walls and shall be utilized to ensure that the integrity of the clay liner shall not be breached by dredging of the tailings deposited outside the area protected by the steel plates.
- C.7 There shall be no process waste discharge to the surface waters of the state from this facility.
- C.8 All manholes in the tailings storage area shall be diked and/or sealed in such a way that would prevent on site surface water from entering.
- C.9 The permittee shall obtain storm water samples for those Outlets listed in section A.5 of the permit in accordance with the following procedures:

Data shall be reported as a grab sample. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty (30) minutes of the discharge. If the collection of the grab sample during the first thirty (30) minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first thirty (30) minutes was impracticable.

C.10 The permittee shall develop and implement a storm water pollution prevention plan (SPPP) for the site. The SPPP shall be prepared in accordance with good engineering practices. The SPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with the industrial activity. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with the industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The SPPP shall be submitted within six (6) months after receipt of the final permit. A copy of the plan shall be retained at the site for review upon request. The groundwater protection plan(GPP), best management practice plan (BMP) and SPPP may all be incorporated into one document, if desired.

C.11 When the average concentration for an indicator pollutant calculated from all monitoring data, at the minimum of four consecutive samples, is less than the corresponding benchmark value for that pollutant, additional monitoring for that pollutant is not required. The permittee must submit each year to the Office of Water Resources, in lieu of the monitoring data, a certification (form will be provided upon request) that there has not been a significant change the industrial activity or the pollution prevention measures in the area of the facility that drains to the outlet for which sampling was waived. The benchmark value for Biochemical Oxygen Demand is 30 mg/l, for Total Suspended Solids is 100 mg/l , for Chemical Oxygen Demand is 120 mg/l and for pH is 6.0 - 9.0 S.U.

C.12 The permittee shall review its SPPP each year and revise the plan if the average concentration for any indicator pollutant in the previous year's sampling was greater than the corresponding benchmark value for that pollutant.

The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0114618, dated the 29th day of July, 1996; with the plan of maintenance and method of operation thereof submitted with such application(s); and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Director of the Division of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0114618, dated the 29th day of July, 1996; and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11 or 12 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Articles 11 and 12 of the Code of West Virginia and is transferable under the terms of Section 11 of Article 11.

By: Barbara E. Taylor  
Chief

**STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT**

FACILITY NAME Inco Alloys International Incorporated  
 LOCATION OF FACILITY Tailings Impoundment  
 PERMIT NUMBER WV0114618 OUTLET NO. 001  
 WASTELOAD FOR MONTH OF \_\_\_\_\_ 19\_\_\_\_

COMMERCIAL LABORATORY NAME \_\_\_\_\_  
 COMMERCIAL LABORATORY ADDRESS \_\_\_\_\_  
 INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type	
		Minimum	Avg Monthly	Max Daily	Units	N.E.	Minimum	Avg Monthly	Max Daily	Units	N.E.			
pH 00400	Reported													
	Permit Limitation	N/A	N/A	N/A			Monitor	N/A	Monitor	S.U.		Semi-annual*	Grab	
Flow 50050	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	MGD		Semi-annual*	Estimate	
T. Ammonia 00610	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab	
BOD <sub>5</sub> 00310	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab	
COD 00340	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab	
Hardness 00900	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab	
Hex. Chromium 01032	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	ug/l		Semi-annual*	Grab	

Name of Principal Exec. Officer \_\_\_\_\_

Title of Officer \_\_\_\_\_

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date Completed \_\_\_\_\_

Signature of Principal Exec. Officer or Auth. Agent \_\_\_\_\_

\* Upon Occurrence

STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT

FACILITY NAME Inco Alloys International Incorporated  
LOCATION OF FACILITY Tailings Impoundment  
PERMIT NUMBER WV0114618 OUTLET NO. 001

COMMERCIAL LABORATORY NAME \_\_\_\_\_  
COMMERCIAL LABORATORY ADDRESS \_\_\_\_\_

WASTELOAD FOR MONTH OF \_\_\_\_\_ 19 \_\_\_\_\_

INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type
		Minimum	Avg Monthly	Max Daily	Units	N E	Minimum	Avg Monthly	Max Daily	Units	N E		
Temperature 00011	Reported												
	Permit Limitation	N/A	N/A	N/A			Monitor	N/A	Monitor	*F		Semi-annual*	Grab
T. Copper 01042	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	23	46	ug/l		Semi-annual*	grab
T. Fluoride 00951	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	1.4	2.8	mg/l		Semi-annual*	Grab
T. Nickel 01067	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	ug/l		Semi-annual*	Grab
TSS 00530	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
	Reported												
	Permit Limitation												
	Reported												
	Permit Limitation												

Name of Principal Exec. Officer \_\_\_\_\_

Title of Officer \_\_\_\_\_

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date Completed \_\_\_\_\_

Signature of Principal Exec. Officer or Auth. Agent \_\_\_\_\_

Upon Occurrence



STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT

FACILITY NAME Inco Alloys International Incorporated

COMMERCIAL LABORATORY NAME \_\_\_\_\_

LOCATION OF FACILITY Tailings Impoundment

COMMERCIAL LABORATORY ADDRESS \_\_\_\_\_

PERMIT NUMBER WV0114618 OUTLET NO. 002

WASTELOAD FOR MONTH OF \_\_\_\_\_ 19\_\_\_\_

INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type
		Minimum	Avg Monthly	Max Daily	Units	N.E.	Minimum	Avg Monthly	Max Daily	Units	N.E.		
pH 00400	Reported												
	Permit Limitation	N/A	N/A	N/A			Monitor	N/A	Monitor	S.U.		Semi-annual*	Grab
Flow 50050	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	MGD		Semi-annual*	Estimate
T. Ammonia 00610	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
BOD <sub>5</sub> 00310	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
COD 00340	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
Hardness 00900	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab
Hex. Chromium 01032	Reported												
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	ug/l		Semi-annual*	Grab

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Title of Officer \_\_\_\_\_

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\* Upon Occurrence

STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT

FACILITY NAME Inco Alloys International Incorporated

COMMERCIAL LABORATORY NAME \_\_\_\_\_

LOCATION OF FACILITY Tailings Impoundment

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WASTELOAD FOR MONTH OF \_\_\_\_\_ 19\_\_\_\_

INDIVIDUAL PERFORMING ANALYSIS \_\_\_\_\_

Parameter		Quantity					Other Units					Measurement Frequency	Sample Type	
		Minimum	Avg Monthly	Max Daily	Units	N.E.	Minimum	Avg Monthly	Max Daily	Units	N.E.			
Temperature 00011	Reported													
	Permit Limitation	N/A	N/A	N/A			Monitor	N/A	Monitor	*F		Semi-annual*	Grab	
T. Copper 01042	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	23	40	ug/l		Semi-annual*	grab	
T. Fluoride 00951	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	1.4	2.8	mg/l		Semi-annual*	Grab	
T. Nickel 01067	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	ug/l		Semi-annual*	Grab	
TSS 00530	Reported													
	Permit Limitation	N/A	N/A	N/A			N/A	N/A	Monitor	mg/l		Semi-annual*	Grab	
	Reported													
	Permit Limitation													
	Reported													
	Permit Limitation													

Name of Principal Exec. Officer \_\_\_\_\_

Title of Officer \_\_\_\_\_

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Signature of Principal Exec. Officer or Auth. Agent \_\_\_\_\_

\* Upon Occurrence



Permit No. WV0114618

Date Sampled\_\_\_\_\_

Latitude     °     '     " Longitude     

Type of Activity: \_\_\_\_\_

Sampling Method \_\_\_\_\_ Sampler \_\_\_\_\_

Laboratory \_\_\_\_\_ Received \_\_\_\_\_ Analyzed \_\_\_\_\_

Groundwater Elevation \_\_\_\_\_ ' MSL      Volume Purged \_\_\_\_\_

[illegible]

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Date Completed

Signature of Principal Exec.  
Officer or Authorized Agent

Permit No. WV0114618

Date Sampled \_\_\_\_\_

Latitude     °     '     "      Longitude     °     '     "

Sampling Method \_\_\_\_\_ Sampler \_\_\_\_\_

Groundwater Elevation \_\_\_\_\_' MSL      Volume Purged \_\_\_\_\_

[illegible]

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Name of Principal Exec. Officer

Date Completed

Title of Officer

Signature of Principal Exec.  
Officer or Authorized Agent

**STATE OF WEST VIRGINIA**  
**SEMI-ANNUAL MONITORING WELL REPORT FORM**

Company Name: Inco Alloys International IncorporatedPermit No. WV0114618Facility Name: Tailings Impoundment

Date Sampled \_\_\_\_\_

Well Identification Number MW 3-A

Latitude \_\_\_\_° \_\_\_\_' \_\_\_\_" Longitude \_\_\_\_° \_\_\_\_' \_\_\_\_"

Type of Activity: \_\_\_\_\_

Sampling Method \_\_\_\_\_

Sampler \_\_\_\_\_

Laboratory \_\_\_\_\_

Received \_\_\_\_\_ Analyzed \_\_\_\_\_

Groundwater Elevation \_\_\_\_\_' MSL

Volume Purged \_\_\_\_\_

PARAMETER	STANDARD	REPORTED VALUE	UNITS	PARAMETER	STANDARD	REPORTED VALUE	UNITS
Alkalinity			mg/l	Nickel	100		ug/l
Calcium			mg/l	pH			S.U.
COD			mg/l	Spec. Cond.			umhos
Chromium, Total	100		ug/l	Temperature			°F
Copper			ug/l	T. Dissolved Solids			mg/l
Fluoride	0.34		mg/l	T. Suspended Solids			mg/l
Iron			mg/l				

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\_\_\_\_\_  
Name of Principal Exec. Officer\_\_\_\_\_  
Date Completed\_\_\_\_\_  
Title of Officer\_\_\_\_\_  
Signature of Principal Exec.  
Officer or Authorized Agent

**STATE OF WEST VIRGINIA**  
**SEMI-ANNUAL MONITORING WELL REPORT FORM**

Company Name: Inco Alloys International IncorporatedPermit No. WV0114618Facility Name: Tailings Impoundment

Date Sampled \_\_\_\_\_

Well Identification Number MW 4-A

Latitude \_\_\_\_° \_\_\_\_' \_\_\_\_" Longitude \_\_\_\_° \_\_\_\_' \_\_\_\_"

Type of Activity: \_\_\_\_\_

Sampling Method \_\_\_\_\_

Sampler \_\_\_\_\_

Laboratory \_\_\_\_\_

Received \_\_\_\_\_ Analyzed \_\_\_\_\_

Groundwater Elevation \_\_\_\_\_' MSL

Volume Purged \_\_\_\_\_

PARAMETER	STANDARD	REPORTED VALUE	UNITS	PARAMETER	STANDARD	REPORTED VALUE	UNITS
Alkalinity			mg/l	Nickel	100		ug/l
Calcium			mg/l	pH			S.U.
COD			mg/l	Spec. Cond.			umhos
Chromium, Total	100		ug/l	Temperature			°F
Copper			ug/l	T. Dissolved Solids			mg/l
Fluoride	2.36		mg/l	T. Suspended Solids			mg/l
Iron			mg/l				

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\_\_\_\_\_  
Name of Principal Exec. Officer\_\_\_\_\_  
Date Completed\_\_\_\_\_  
Title of Officer\_\_\_\_\_  
Signature of Principal Exec.  
Officer or Authorized Agent

# Appendix A

## I. MANAGEMENT CONDITIONS:

1. **Duty to Comply**
  - a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action: for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.
  - b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
2. **Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit at least 180 days prior to expiration of the permit.
3. **Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.
4. **Permit Actions**

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
5. **Property Rights**

This permit does not convey any property rights of any sort or any exclusive privilege.
6. **Signatory Requirements**

All applications, reports, or information submitted to the Chief shall be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.
7. **Transfers**

This permit is not transferrable to any person except after notice to the Chief. The Chief may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
8. **Duty to Provide Information**

The permittee shall furnish to the Chief, within a reasonable specified time, any information which the Chief may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Chief, upon request, copies of records required to be kept by this permit.
9. **Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Chief, it shall promptly submit such facts or information.
10. **Inspection and Entry**

The permittee shall allow the Chief, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

  - a) Enter upon the permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;
  - b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
  - c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location.
11. **Permit Modification**

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22-11-12 of the Code of West Virginia.
12. **Water Quality**

The effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the Environmental Quality Board.
13. **Outlet Markers**

A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.
14. **Liabilities**
  - a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
  - b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
  - c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
  - d) Nothing in 1.14 a), b), and c) shall be construed to limit or prohibit any other authority the Chief may have under the State Water Pollution Control Act, Chapter 22, Article 11.



## II. OPERATION AND MAINTENANCE:

### 1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. For domestic waste treatment facilities, waste treatment operators as classified by the WV Bureau of Public Health Laws, W. Va. Code Chapter 16-1, will be required except that in circumstances where the domestic waste treatment facility is receiving any type of industrial waste, the Chief may require a more highly skilled operator.

### 2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

### 3. Bypass

- a) Definitions
  - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of II.3.c) and II.3.d) of this permit.
- c)
  - (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass;
  - (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.
- d) Prohibition of bypass
  - (1) Bypass is permitted only under the following conditions, and the Chief may take enforcement action against a permittee for a bypass, unless:
    - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
    - (C) The permittee submitted notices as required under II.3.c) of this permit.
  - (2) The Chief may approve an anticipated bypass, after considering its adverse effects, if the Chief determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

### 4. Upset

- a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit.
  - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

### 5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Chief, any solids, sludges, filter backwash or other pollutants (removed in the course of treatment or control of wastewaters) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Chief. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Chief in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

### III. MONITORING AND REPORTING

#### 1. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

#### 2. Reporting

- a) Permittee shall submit, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, and/or quantities, the values of the constituents listed in Part A analytically determined to be in the plant effluent(s). DMR submissions shall be made in accordance with the terms contained in Section C of this permit.
- b) Enter reported average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter, as appropriate.
- c) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding).
- d) Specify frequency of analysis for each parameter as number of analyses/specified period (e.g., 3/month is equivalent to 3 analyses performed every calendar month). If continuous, enter "Cont.". The frequency listed on format is the minimum required.

#### 3. Test Procedures

Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit.

#### 4. Recording of Results

For each measurement or sample taken pursuant to the permit, the permittee shall record the following information.

- a) The date, exact place, and time of sampling or measurement;
- b) The date(s) analyses were performed;
- c) The individual(s) who performed the sampling or measurement;
- d) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
- e) The analytical techniques or methods used, and
- f) The results of such analyses. Information not required by the DMR form is not to be submitted to this agency, but is to be retained as required in III.6.

#### 5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

#### 6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Chief at any time.

#### 7. Definitions

- a) "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
- b) "Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- c) "Maximum daily discharge limitation" means the highest allowable daily discharge.
- d) "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.
- e) "Grab Sample" is an individual sample collected in less than 15 minutes.
- f) "is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.
- g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24 hour day, or during the operating day if flows are of shorter duration.
- i) The "daily average fecal coliform" bacteria is the geometric average of all samples collected during the month.
- j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or which a relationship to absolute volume has been obtained.
- k) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- l) "Non-contact cooling water" means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels, exclusive of approved anti-fouling agents.

## IV. OTHER REPORTING

### 1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges.

### 2. Immediate Reporting

- a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b) The following shall also be reported immediately:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - (2) Any upset which exceeds any effluent limitation in the permit; and
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Chief in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Chief may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with Title 47, Series 11, Section 2.

### 3. Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Chief of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge. Notice is required when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under IV.2 of this section.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Chief of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c) In addition to the above reporting requirements, all existing manufacturing, commercial, and silvicultural discharges must notify the Chief in writing as soon as they know or have reason to believe:
  - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (A) One hundred micrograms per liter (100 ug/l);
    - (B) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitro phenol; and for 2-methyl 4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
    - (C) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.9 of Series 10, Title 47.
    - (D) The level established by the Chief in accordance with Section 6.3.g of Series 10, Title 47;
  - (2) That any activity has occurred or will occur which would result in any discharge (on a non-routine or infrequent basis) of a toxic which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (A) Five hundred micrograms per liter (500 ug/l);
    - (B) One milligram per liter (1 mg/l) for antimony;
    - (C) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.7 of Series 10, Title 47;
    - (D) The level established by the Chief in accordance with Section 6.3.g of Series 10, Title 47.
  - (3) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a routine or frequent basis of that toxic pollutant at levels which exceed five times the detection limit for that pollutant under approved analytical procedure.
  - (4) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a non-routine or infrequent basis of that toxic pollutant at levels which exceed ten times the detection limit for that pollutant under approved analytical procedure.

### 4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in IV.2.a). Should other applicable noncompliance reporting be required, these terms and conditions will be found in Section C of this permit.



**EMERGENCY RESPONSE SPILL ALERT SYSTEM  
WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION**

**REQUIREMENTS:**

Title 47, Series 11, Section 2 of the West Virginia Legislative Rules, Environmental Protection, Water Resources - Waste Management, Effective July 1, 1994.

**RESPONSIBILITY FOR REPORTING:**

Each and every person who may cause or be responsible for any spill or accidental discharge of pollutants into the waters of the State shall give immediate notification to the Office of Water Resources' Emergency Notification Number, **1-800-642-3074**. Such notification shall set forth insofar as possible and as soon thereafter as practical the time and place of such spill or discharge, type or types and quantity or quantities of the material or materials therein, action or actions taken to stop such spill or discharge and to minimize the polluting effect thereof, the measure or measures taken or to be taken in order to prevent a recurrence of any such spill or discharge and such additional information as may be requested by the Office of Water Resources. This also applies to spills to the waters of the State resulting from accidents to common carriers by highway, rail and water.

It shall be the responsibility of each industrial establishment or other entity discharging directly to a stream to have available the following information pertaining to those substances that are employed or handled in its operation in sufficiently large amounts as to constitute a hazard in case of an accidental spill or discharge into a public stream:

- (1) Potential toxicity in water to man, animals and aquatic life;
- (2) Details on analytical procedures for the quantitative estimation of such substances in water and
- (3) Suggestions on safeguards or other precautionary measures to nullify the toxic effects of a substance once it has gotten into a stream.

Failure to furnish such information as required by Section 14, Article 11, Chapter 22, Code of West Virginia may be punishable under Section 24, Article 11, Chapter 22, and/or Section 22, Article 11, Chapter 22, Code of West Virginia.

It shall be the responsibility of any person who causes or contributes in any way to the spill or accidental discharge of any pollutant or pollutants into State waters to immediately take any and all measures necessary to contain such spill or discharge. It shall further be the responsibility of such person to take any and all measures necessary to clean-up, remove and otherwise render such spill or discharge harmless to the waters of the State.

When the Chief determines it necessary for the effective containment and abatement of spills and accidental discharges, the Chief may require the person or persons responsible for such spill or discharge to monitor affected waters in a manner prescribed by the Chief until the possibility of any adverse effect on the waters of the State no longer exists.

**VOLUNTARY REPORTING BY LAW OFFICERS, U. S. COAST GUARD, LOCK MASTERS AND OTHERS:**

In cases involving river and highway accidents where the responsible party may or may not be available to report the incident, law officers, U. S. Coast Guard, Lock Masters and other interested person(s) should make the report.

**WHO TO CONTACT:**

Notify the following number: **1-800-642-3074**.

**INFORMATION NEEDED:**

- |  |                                       |
|--|---------------------------------------|
| - Source of spill or discharge               | - Personnel at the scene              |
| - Location of incident                       | - Actions initiated                   |
| - Time of incident                           | - Shipper/Manufacturer identification |
| - Material spilled or discharged             | - Railcar/Truck identification number |
| - Amount spilled or discharged               | - Container type                      |
| - Toxicity of material spilled or discharged |                                       |

## **RIGHT OF APPEAL**

Notice is hereby given of your right to appeal the terms and conditions of this permit which you are aggrieved by the Environmental Quality Board by filing a NOTICE OF APPEAL on the form prescribed by such Board for this purpose, with the Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after the date of receipt of the above permit.